



Wisconsin Elections Commission

212 East Washington Avenue | Third Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: February 5, 2021

TO: County and Municipal Clerks Where the Dominion ImageCast Evolution is Utilized

FROM: Meagan Wolfe
Administrator

SUBJECT: Amended State Certification of Democracy Suite 4.14

Dear County and Municipal Clerks,

As part of the 2020 post-election voting equipment audit, a tabulation issue was discovered in two reporting units that use the Dominion ImageCast Evolution (ICE) optical scan tabulator. This was not a programming or hardware issue. It was discovered that absentee ballots containing a heavy crease through the write-in area of the ballot were triggering overvotes on the ICE. Despite a warning screen prompting election inspectors that there was an overvote, or overvotes, on the ballot, administrative procedures which require such ballots be returned and reviewed by election inspectors were not followed and the override function was used to process the ballots. As a result, numerous ballots were treated as having overvotes that actually had valid votes. If these ballots had been returned and reviewed, as required, it would have been determined that these ballots should have been remade and the votes in the contests the equipment perceived as overvoted would have been correctly counted.

The ImageCast Evolution, as certified in 2015, was allowed to be programmed in such a way that it looked for good marks in both the oval and write-in box on the ballot as part of the ballot target area. This was intended to allow for the tabulator to identify write-in votes when the oval may not have been filled in by the voter. When functioning correctly, this aided the election inspectors in the prompt review of ballots and tallying of write-in votes. However, as revealed by the voting equipment audit, if a heavy crease goes unnoticed through the write-in box when the voter has correctly marked an oval for a ballot candidate in the same contest, a false-positive overvote is a possible result. In the event that proper administrative procedures are not then followed, ballots may be processed incorrectly as containing overvotes.

At its February 3, 2021 meeting, WEC staff presented the findings of the voting equipment audit to the Elections Commission, including a detailed analysis of the issue of crease induced overvotes on the ImageCast Evolution. As part of the final report, WEC staff recommended to the Commissioners an amendment to the Wisconsin state certification of Democracy Suite 4.14, of which the ICE is included. The Commission voted to amend the Democracy Suite state certification so that the target area of the ballot would be reduced from including the oval and the write-in box, to include the oval only. With the target area of the ballot reduced so that the ICE is reading only the oval, the overvote issue that was discovered in the 2020 voting equipment audit would be effectively remedied.

Wisconsin Elections Commissioners

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Administrator
Meagan Wolfe

As a result, any election programming, beginning with the April 2021 Spring Election, must be done in such a way that the ICE tabulator has a ballot target area of only the oval marked by the voter. Due to the Commission decision to amend the Democracy Suite state certification, the ICE tabulator cannot be programmed to review the write-in target area for marks, ambiguous or otherwise. County clerks should be aware of the change in programming requirements moving forward. In the event that programming is completed by a vendor or a third-party representative, the programming must be completed to the same standards as outlined above. Voters are, however, still entitled to cast a write-in vote in any office. Election night review of all ballots for write-in votes is required to identify all ballots with write-in votes, including those where the voter has written in a choice but not filled in the corresponding oval.

This February 3, 2021 Commission decision amending the state certification of Democracy Suite 4.14 does not affect the programming requirements for the February 2021 Spring Primary. As programming has been completed for that election, and absentee ballots have been issued, the Commission directed that programming for the February 16 election remain unchanged.

Clerks are also advised to give extra awareness to the issue of overvotes for the February 2021 Spring Primary. Since the write-in box will still be part of the ballot target area, there is the possibility of this issue presenting itself. Election inspectors must be informed of proper procedure in the event that they receive an overvote warning when processing an absentee ballot. Clerks must provide increased training for their election inspectors regarding this issue. If a ballot is processed and the overvote warning screen prompts the inspector that the ballot may contain overvotes, the inspector is required to have the ballot returned for review. The election inspectors must physically review the ballot to determine if there are any overvotes contained on the ballot. If no overvotes are seen in the contest, or contests, identified by the ICE, the ballot should promptly be remade following the proper procedure as explained in the Election Day manual.

As an additional resource, WEC staff will be recording a webinar on the subject of processing, reviewing, and remaking ballots containing overvotes. This webinar will be pre-recorded for clerk and election inspector convenience and will be posted to the agency website once completed. Items discussed in the webinar will include general overview of the overvote issue discovered during the 2020 voting equipment audit, the Commission decision to amend the Democracy Suite 4.14 state certification, proper procedures for reviewing ballots when the overvote screen appears, as well as proper procedures for remaking ballots when overvotes are present or a crease runs through the write-in box in the February 2021 Spring Primary.

If you have any questions, please contact the Elections Commission Help Desk at elections@wi.gov or by calling 608-266-2028